

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/11/2019

UNITED STATES OF AMERICA,

-v.-

STEVEN AIELLO,

Defendant.

CONSENT PRELIMINARY ORDER
OF FORFEITURE/MONEY JUDGMENT

S2 16 Cr. 776 (VEC)

WHEREAS, on September 19, 2017, STEVEN AIELLO, the defendant (the “Defendant”), was charged in a superseding Indictment, S2 16 Cr. 776 (VEC) (the “Indictment”) with, among other things, one count of conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One) and one count of wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, which constitutes, or is derived from, proceeds traceable to the commission of the offenses alleged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on July 12, 2018, the Defendant was found guilty, following a jury trial, of Counts One and Two of the Indictment;

WHEREAS, on December 7, 2018, the Defendant was sentenced and ordered to forfeit the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$898,954.20 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained;

WHEREAS, no payment of the money judgment will be due and owing unless the United States Court of Appeals for the Second Circuit affirms the Defendant's conviction on either Counts One or Two of the Indictment, in which case payment will be due and owing 30 days after the mandate is issued; and if the Second Circuit reverses or vacates the Defendant's conviction on Counts One and Two of the Indictment, then the money judgment will be vacated and no payment will be due and owing; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys Janis Echenberg, Robert Boone, David Zhou, and Matthew Podolsky, of counsel, and the Defendant, and his counsel, Stephen Coffey, Esq. and Scott Iseman, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Indictment, to which the Defendant was found guilty, a money judgment in the amount of \$898,954.20 in United States currency (the "Money Judgment") shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to STEVEN AIELLO, the Defendant, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. If the United States Court of Appeals for the Second Circuit affirms the Defendant's conviction on Count One and/or Count Two of the Indictment, then within 30 days of the issuance of the mandate on his appeal (captioned *United States v. Aiello*, 18-2990 (L), 18-3710 (2d Cir.)) the Defendant shall transfer \$898,954.20 in United States currency to the Government by bank or certified check, made payable to the United States Marshals Service, and

delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


8. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

[SPACE INTENTIONALLY LEFT BLANK]

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 

JANIS ECHENBERG/ ROBERT BOONE
DAVID ZHOU / MATTHEW PODOLSKY
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2597 / 2208 / 2438 / 1947

2-8-19
DATE

STEVEN AIELLO,
DEFENDANT

By: _____
STEVEN AIELLO

DATE

By: _____
STEPHEN COFFEY, ESQ.
SCOTT ISEMAN, ESQ.
54 State Street
Albany, NY 12207

DATE

SO ORDERED:

HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE

DATE

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AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York


By: JANIS ECHENBERG/ ROBERT BOONE
DAVID ZHOU / MATTHEW PODOLSKY
Assistant United States Attorneys
One St. Andrew's Plaza
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SCOTT ISEMAN, ESQ.
54 State Street
Albany, NY 12207

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HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE

2/11/2019

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